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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LEEDS LP, a California Limited Partnership,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 08cv100-BTM (BLM)

**JOINT MOTION TO CONTINUE
PRETRIAL CONFERENCE AND
RELATED DATES**

Pursuant to Local Rule 16.1(f)(1)(a), the Parties hereby submit the following stipulated recitation of the facts and circumstances underlying their request for a short (six weeks, including Thanksgiving Holiday) continuance of the pre-trial conference currently on calendar for October 28, 2009, and all related dates in the captioned matter.

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STIPULATED FACTS SUPPORTING PARTIES' JOINT MOTION

1. Counsel for plaintiff, Edward C. Walton, substituted in for prior plaintiff counsel on September 15, 2009, when this Court granted plaintiff's motion for substitution of counsel.

2. Numerous documents have been collected and exchanged in this document-intensive matter. The parties have conducted extensive written discovery. Eighteen depositions have been taken over the course of the discovery period. Discovery was completed prior to substitution of Mr. Walton into the case.

3. Mr. Walton is now in the process of reviewing and analyzing the voluminous file materials, including interrogatories, documents and deposition transcripts, generated in this case, and in the related case of *Fourth Investment LP v. United States*, Case No. 08cv110-BTM (BLM), some of which materials he has received and other of which he is still awaiting receipt from prior plaintiff counsel, resident in the state of Washington. Mr. Walton expects receipt of the entire file shortly.

4. The pretrial conference is presently scheduled for October 28, 2009. Accordingly, and pursuant to Local Rule 16.1(f)(2), the parties' Memoranda of Contentions of Fact and Law, which will include lists of witnesses and exhibits expected to be offered at trial (and a description/brief narrative of each), are currently due on October 7, 2009. Counsel for defendant and new counsel for plaintiff met and conferred telephonically on September 21, 2009, to discuss pretrial procedures, organization of materials for the pretrial conference, and the potential for narrowing issues in the case. Counsel have begun drafting pretrial documents, including pretrial disclosures, Memoranda of Contentions of Fact and Law and the draft Pretrial Order, as required by Court rules.

5. During the course of their meet and confer on September 21, 2009, counsel for both parties discussed the practical issues involved in attempting to meet the Court's current schedule for complying with pretrial procedures. Because of the transition to new plaintiff counsel at this time, and the need for new plaintiff counsel to get up to speed on the discovery developed in the case in order to participate meaningfully in the pretrial process, the parties agree that a short continuance of the Pretrial Conference and associated dates would lead to a much more efficient and complete set of pretrial pleadings and pretrial order for the Court's consideration, and a more directed and effective pretrial conference than might otherwise be the case.

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6. Despite taking all steps currently available to bring these actions to readiness for trial under the Court's current schedule, counsel for the parties believe a brief, one-time continuance of the pretrial conference date to December 9, 2009, and of all other associated dates pursuant to the Federal Rules of Civil Procedure and Local Rules, will facilitate plaintiff in working with defendant UNITED STATES OF AMERICA in preparing the best possible pretrial order and conference. In turn, a pretrial order which sufficiently lists and describes the issues, witnesses, and exhibits expected to be offered at trial will promote the efficient administration of justice and trial of this matter.

7. This is the first continuance of the pretrial conference and related dates set by the Court at the outset of this case which has been requested by any party.

We, the undersigned counsel for Plaintiff and Defendant in the captioned matter, hereby stipulate that the above-stated facts are accurate and truthful.

JOINT REQUEST OF THE PARTIES TO THE CAPTIONED MATTER

The parties hereto, by and through their attorneys of record, respectfully and jointly request that this Court issue an Order (1) continuing the Pre-Trial Conference date to December 9, 2009, or a date thereafter convenient to the Court's calendar, and (2) continuing the associated dates pursuant to the Federal Rules of Civil Procedure and/or Local Rules.

Dated: _____

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